



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Under Secretary

23 July 1998

MEMORANDUM FOR SEE DISTRIBUTION

FROM: SAF/IAD

SUBJECT: Foreign Disclosure Advisory 35 - Status of Lawful Permanent Residents (Green Card Holders)

The purpose of this advisory is to clarify the status of lawful permanent residents, commonly referred to as "green card holders" (or "immigrant aliens"), in foreign disclosure determinations.

Paragraph 120.15 of the International Traffic in Arms Regulations categorizes a lawful permanent resident as a U.S. person. This means no export license is required to legally transfer defense articles or services to an individual in that category. From a foreign disclosure perspective, a lawful permanent resident has the same status as a U.S. citizen. No foreign disclosure review is required before granting access to unclassified defense articles or services.

Lawful permanent residents are not authorized security clearances and may only be granted access to classified information through a Limited Access Authorization (LAA) which is granted by a security designated approval authority under very precise and limited circumstances prescribed in personnel security regulations. Access to US classified information is limited to that which is within the scope of the LAA. While the disclosure community may be consulted in the coordination of a LAA, the determining factors in granting such access are trustworthiness and need-to-know, not National Disclosure Policy. No foreign disclosure review is required for information that is within the scope of the LAA. Information that is not within the scope of the LAA, by definition, exceeds the individual's need to know.

It should be noted that green cards are not usually green. The Immigration and Naturalization Service (INS) changed the color of the "Resident Alien" card in the 1960s. Since that time various hues of blue and pink have been used. Cards issued before 1989 have no expiration date and are still valid regardless of color. Cards issued after 1990 are valid for ten years and then must be renewed. In April 1998, the INS introduced a new smart card made of white plastic with a thick green stripe on the back. The card features holograms and microdot portraits of all the nation's presidents and is designed to resist counterfeiting. It also uses the term "Permanent Resident Card" in place of "Resident Alien." Counterfeiting of green cards is becoming more common. Over 300,000 fake cards, some of which were high quality, were seized in recent operations. The new smart card will replace all previous green cards over an unspecified period of time.

We solicit your ideas on this topic or for other disclosure advisories. Point of contact for this advisory is Steve Stubbs, DSN 425-8869.



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